CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCI	L BILL NO. 0-22-3 ENACTMENT NO. 0-2022-012			
SPONSORED BY: Brook Bassan				
1	ORDINANCE			
2	REPEALING ENACTMENT NO. 0-2019-008 (COUNCIL BILL NO. 0-19-48)			
3	WHICH ENACTED ARTICLE 17, CHAPTER 13, ROA 1994, "THE			
4	ALBUQUERQUE CLEAN & GREEN RETAIL ORDINANCE" WHICH LIMITED THE			
5	USE OF PLASTIC SINGLE-USE CARRYOUT BAGS, CREATED A CLEAN &			
6	GREEN BUSINESS PROGRAM, AND PROVIDED FOR ADMINISTRATIVE			
7	ENFORCEMENT REGULATIONS.			
8	WHEREAS, on April 15, 2019, the City Council adopted O-19-48, "Adding a			
9	New Article 17 to Chapter 13, ROA 1994, Limiting the Use of Plastic Single-Use			
_ 10	Carryout Bags; Creating an 'Albuquerque Clean & Green Business' Program;			
- New Deletion 11	Providing for Administrative Regulations to Carry Out the Provisions" (the			
- New Deletic	"Plastic Bag Ordinance"); and			
	WHEREAS, enforcement of the Plastic Bag Ordinance was paused at the			
<u>=</u> 14	beginning of the pandemic to help protect frontline employees and customers			
© ∯ 15	from the spread of COVID-19, then reinstated in August 2021 with additional			
<u>9</u> ⊈ 16	bag restrictions put in place at the end of 2021; and			
Inderscored Material	WHEREAS, the bags allowed under the Plastic Bag Ordinance are			
18 # 18	significantly more expensive for both consumers and businesses compared to			
₹19	what was allowed previously; and			
Bracketed/U	WHEREAS, local consumers, many of whom are already facing			
한 및 21	considerable financial struggles, are now faced with spending dollars to			
의 kg 22	purchase shopping bags, in effect creating a regressive tax on our most			
23	vulnerable populations; and			
24	WHEREAS, some businesses have opted to use "reusable" bags and paper			
25	bags as a substitute for single-use plastic bags, but these alternative bags			

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place additional financial burdens on businesses and still take a substantial
toll on the environment; and
WHEREAS, due to supply shortages, some businesses have been unable
to obtain compliant bags, and many also have stockpiles of non-compliant
plastic bags that they can no longer use; and
WHEREAS, studies have shown that paper bags and "reusable" plastic and
canvas bags are even worse for the environment than single-use bags
because production involves cutting down and processing trees, increased
water use, toxic chemicals, fossil fuel, air pollution, and heavy machinery; and
WHEREAS, for example, one study found that the weight and bulkiness of
paper bags necessitate seven trucks to transport the same number of bags
that can be hauled in just one truck of plastic bags thereby increasing
additional negative environmental impacts; and
WHEREAS, although conventional plastic bags have higher environmental
impacts when released into the environment, studies indicate that reusable
bags require hundreds to tens of thousands of uses before they become more
environmentally efficient than single use plastic bags; and
WHEREAS, however, research also shows that if reusable bags are not
properly sanitized after each use, they can harbor and spread dangerous
viruses and bacteria, including E. coli, salmonella, fecal coliform, and other
pathogens; and
WHEREAS, some types of imported reusable bags have been found to
contain traces of toxic lead in the materials used; and
WHEREAS, in light of the ongoing pandemic we have become more aware
of the health implications associated with reusable bags, and while reuse is
encouraged, there are unintended health risks associated with reusable bags;
and
WHEREAS, the Plastic Bag Ordinance has placed unintended burdens on
both consumers and local businesses, without demonstrating its
effectiveness at preventing waste and protecting the environment; and

consumers and businesses to decide; and

	1	WHEREAS, while the ban on single-use plastic bags had good intentions,
	2	evidence has shown that this effort is counterproductive, and that reusable
	3	and paper bags also have negative effects on both the economy and the
	4	environment without remarkable benefits.
	5	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
	6	ALBUQUERQUE:
	7	SECTION 1. Enactment No. O-2019-008 (Council Bill No. O-19-48) is hereby
	8	repealed in its entirety. Chapter 13, Article 17 of the Revised Ordinances of
	9	Albuquerque, New Mexico 1994 shall be re-labeled as "REPEALED."
	10	SECTION 2. City Council commits to prioritizing alternative approaches to
	11	addressing plastic bag waste and litter, and will work with Solid Waste in the
	12	upcoming budget cycle to explore improvements to the City's recycling efforts
	13	related to plastic bag use.
	14	SECTION 3. COMPILATION. The ordinance amendment prescribed by
	15	SECTION 1 shall amend, be incorporated in, and be made part of the Revised
	16	Ordinances of Albuquerque, New Mexico 1994.
	_ 17	SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
<u>}</u> :	18 19	after publication by title and general summary.
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1	PASSED AND ADOPTED THIS DAY OF March, 2022
2	BY A VOTE OF: 6 FOR 3 AGAINST.
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4	For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
5	Against: Davis, Fiebelkorn, Benton
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8 9	2-15m/2
10	Isaac Benton, President
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12	City Council
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14	APPROVED THIS 25 DAY OF Mush, 2022
15	APPROVED THIS DAY OF 10000, 2022
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_ 18	Bill No. O-22-3
- New Deletion	
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1 <u>ate</u> 17 22	<u> </u>
≥ 23	Timothy M. Keller, Mayor
9 5 24	City of Albuquerque
25 Q 25	The Mayor's veto was overridden by EC-22-51 on April 4, 2022 by a vote of 6 FOR and 3 AGAINST.
PU # 26	FOR: Bassan, Grout, Jones, Lewis, Pena, Sanchez
₩ 27	AGAINST: Davis, Fiebelkorn, Benton
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31	Ethan Watson, City Clerk
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CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO:

Ethan Watson, City Clerk

FROM:

Chris Melendrez, Director, Council Services 4/1/27

SUBJECT:

Override of Mayor's Veto of O-22-3 Repealing Enactment No. O-2019-008 (Council Bill No. O-19-48) Which Enacted Article 17, Chapter 13, ROA 1994, "The Albuquerque Clean & Green Retail Ordinance"

Which Limited The Use Of Plastic Single-Use Carryout Bags, Created

A Clean & Green Business Program, And Provided For

Administrative Enforcement Regulations (Bassan)

DATE:

April 7, 2022

On April 4, 2022 the Mayor's Veto (EC-22-51) of O-22-3 was overridden by the City Council by a vote of 6 FOR and 3 AGAINST.

For:

Bassan, Grout, Jones, Lewis, Peña, Sanchez

Against: Davis, Fiebelkorn, Benton

I have attached the ordinance as adopted by the Council and signed by the Council President. Please process the enactment as soon as possible.

